

1 Q. Other than what was on the tape?

2 A. Correct.

3 Q. Do you remember what was on the tape?

4 A. I don't specifically.

5 Q. Was it your decision to terminate that
6 verifier?

7 A. I believe it was. I don't recall if
8 it was requested of me. Again, any manager who
9 requested an employee be terminated, I would
10 agree or not agree. And if I did not agree, it
11 wouldn't happen. And if I did, it would.

12 Q. Did you talk to that verifier yourself
13 when you terminated that verifier?

14 A. I don't think I did. I don't have
15 recollection of that. No, I can say pretty
16 confidently that I did not.

17 Q. How did you terminate him or her?

18 A. I probably turned it over to director
19 of personnel, I'm guessing.

20 Q. The director of personnel for Buzz
21 Telecom?

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1 A. I believe, yes.

2 Q. Okay. And then the director
3 terminated that verifier?

4 A. Again, it would have been -- yes, I'm
5 assuming because it would have happened without
6 my specific knowledge.

7 Q. Do you have a memory of terminating
8 any other verifiers?

9 A. No, I don't.

10 Q. You also mentioned earlier today about
11 executive council meetings. I think that was the
12 term you used.

13 A. Yes.

14 Q. Who was present at these executive
15 council meetings?

16 A. The president, the three vice
17 presidents, and someone to take notes.

18 Q. The president would have been Keanan?

19 A. Correct.

20 Q. The vice presidents were you --

21 A. Correct.

1 Q. And who else?

2 A. Liz.

3 Q. Elizabeth Rosas?

4 A. Correct.

5 Q. And who was the third vice president?

6 A. For a while it was a man named Mike
7 Norville (phonetic). He was just over the sales.
8 He had nothing to do but sales.

9 Q. And who was the note taker?

10 A. It varied. Amy Dickson for a while.

11 Q. Did Kurtis ever attend these executive
12 council meetings?

13 A. I believe he did early on. He was --
14 yes, the answer is yes, early in the my term
15 there. And eventually then, he was not part of
16 that.

17 Q. What office did he hold at the time
18 that he attended the executive council meetings?

19 A. Same. He was the chairman of the
20 board.

21 Q. Was it a regular occasion that the

1 chairman of the board attended these executive
2 council meetings?

3 A. It was not.

4 Q. Do you recall how often these meetings
5 took place?

6 A. Every Monday.

7 Q. Did you already say that?

8 A. If I did, I'm happy to repeat it.

9 Q. If you did, I'm happy to apologize.
10 What topics did you discuss or the executive
11 council discuss at these meetings?

12 A. Just business, how we're doing. It
13 was a good way to get -- we were very separate,
14 meaning we had our areas of responsibility and so
15 this is the one chance for those very separate
16 areas just to establish communication. For
17 example, Gene, we need more sales reps. Well,
18 Keanan, maybe I'll PO for some more ad money,
19 that kind of thing. Or, we're dying over here, I
20 need more customer service reps. Or, Mike, I
21 need you to get your manager to get people to be

1 more on time. I don't want to see so much
2 tardiness in my office. That kind of stuff.

3 Q. Would this have been the appropriate
4 forum for you to request staff from other groups,
5 for example, when you were doing your mailing of
6 the letter?

7 A. No. It didn't happen here.

8 Q. You recall that it did not happen?

9 A. Yes. I do recall, that did not
10 happen.

11 Q. Was there any discussion at the
12 executive council meeting of the response to the
13 FCC's November 1st letter?

14 A. None whatsoever. It just wasn't that
15 kind of meeting. None of those matters were ever
16 even broached.

17 Q. Could you clarify what "those matters"
18 are?

19 A. As you say, regulatory matters, FCC
20 matters. It was just an internal session for --
21 like I said, we were -- I don't have anything to

1 do with the customer service people as far as my
2 dealings. I'm a vice president but I can't order
3 them. I have no control over them. They're not
4 my responsibility.

5 But if I had an opinion about how
6 something should happen or a suggestion, this
7 would be my opportunity to say it. Or again, if
8 the other areas of the company needed something
9 from the personnel department, which was me. So
10 when I said "those matters," anything that
11 pertains to outside the company, which a
12 regulatory matter would be. It just wasn't part
13 of an executive council.

14 Q. When were those outside matters
15 discussed?

16 A. Never with me.

17 Q. Were those primarily discussed in the
18 corporate affairs office between Kurtis and Ms.
19 Dennie and Ms. Green?

20 A. Solely as I would understand it. And
21 I would speculate Keanan as well.

1 Q. Did Keanan have any responsibility
2 over the corporate affairs office?

3 A. I guess I'm assuming he did.

4 Q. But you don't know that?

5 A. Actually, I don't think he did now
6 that I think of it. I believe that's Kurtis's
7 area. I'm going to amend that answer. The
8 corporate affairs office actually moved into
9 another office. And yes, it wasn't close to
10 Keanan. So I'm going to say it was really
11 Kurtis. From my understanding, it was really
12 Kurtis's realm, not Keanan's.

13 Q. When was the office moved?

14 A. I'm going to say February.

15 Q. Was it moved over to the Avatar
16 office?

17 A. Correct. And I might be wrong there.
18 It might have been January.

19 Q. Your best recollection is that it was
20 the January-February time frame?

21 A. Right. Just after the holiday. Can I

1 say that?

2 Q. You can. Are you familiar with a
3 company called Great Lakes Verification?

4 A. No, sir.

5 Q. FAG Verification?

6 A. Yes. I'm familiar. Sure.

7 Q. What do they do?

8 A. That would be our verification
9 company.

10 Q. At what time period?

11 A. I don't know. Great Lakes would be as
12 well. Right. I don't know the distinction. I
13 don't know the dates of when each would be what.

14 Q. Do you know who the principals are of
15 Great Lakes Verification?

16 A. No, sir.

17 Q. Who owned it?

18 A. Don't know.

19 Q. Same questions with respect to FAG?

20 A. Same answer. I don't know.

21 Q. Did you have any responsibility at

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1 Business Options for generating financial
2 records?

3 A. Oh, no, sir.

4 Q. Generating information that would be
5 given to the company's accountant?

6 A. Completely removed from my
7 responsibility. I wasn't even allowed in that
8 office.

9 Q. I'm going to take a very quick break,
10 say three minutes.

11 (A short break was taken.)

12 BY MR. HARKRADER:

13 Q. You mentioned just a little while ago
14 about the data entry that you did. What did you
15 receive to input into the computer?

16 A. Oh, I don't recall.

17 Q. Was it a tape?

18 A. Oh, no. It was just the hard data,
19 probably like a sales slip.

20 Q. Like a piece of paper?

21 A. Yes. I'm guessing. But I mean that

1 would have to be what it was. It was simply the
2 sales report, if you will, the person's name and
3 address. They really didn't have much more than
4 that. Yeah. It was the sales sheet. Yes. I'm
5 remembering now as I'm remembering the sales
6 person walking it down and delivering the stack.
7 It was like the sales form.

8 Q. Okay. Jumping to the executive
9 council meetings, were those meetings
10 memorialized?

11 A. I don't know what that means.

12 Q. You said there was a note-taker?

13 A. Correct.

14 Q. Did the note-taker then summarize what
15 happened in the meeting?

16 A. Yes.

17 Q. Would the note-taker then attach the
18 notes to that summary?

19 A. Sure.

20 Q. Was the summary circulated to members
21 of the executive council?

1 A. It was.

2 Q. Was it circulated to Kurtis?

3 A. I imagine. I don't know for sure.

4 Q. Who did you replace as vice president
5 of administration?

6 A. I think the position was open for a
7 little bit upon my arrival, but prior to that it
8 was William Brzycki.

9 Q. Did you have any understanding at the
10 time that you stepped into the vice president of
11 administration position, why he was no longer in
12 that position?

13 A. I did.

14 Q. What was that understanding?

15 A. Well, he was just not being very
16 effective, especially pertaining to just the
17 proper authoritating of employees. You're over
18 that whole human resources area, and it was my
19 understanding that he just wasn't cutting it in
20 that respect.

21 Q. Did you hear about any specifics as to

1 why he wasn't cutting it?

2 A. I'll try to recall it. He wasn't
3 responsive to some claims of sexual harassment in
4 the company, as one example of a specific I got.

5 Q. Do you have any reason to know if his
6 responsibilities as vice president of
7 administration were the same as yours?

8 A. I can tell you they were the same, but
9 I don't know when this occurred, when the change
10 occurred. But during at least some of his
11 tenure, those corporate matters to which you've
12 been referring were part of the VPA
13 responsibilities that stopped being so upon my
14 arrival.

15 Q. And those matters would include what
16 was later part of the corporate affairs group?

17 A. Exactly. Worded more simply,
18 corporate affairs office was under the VPA as I
19 understood it. I never experienced that and I'm
20 going on what I was told.

21 Q. But when you took over, the corporate

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1 affairs office was not under the VPA?

2 A. It was removed from my responsibility
3 and was at the other end of the building.

4 Q. And it was removed while Mr. Brzycki
5 was the VPA?

6 A. I don't know exactly when, but I'm
7 presuming so based on how long he was in that
8 position and the little bit I know.

9 Q. Do you know if Mr. Brzycki had other
10 responsibilities of firing employees like you
11 did?

12 A. During his time as VPA, I know that he
13 did have that responsibility.

14 Q. Do you know if he actually fired
15 employees?

16 A. I'm quite certain he did.

17 Q. Do you know that for sure or are you
18 speculating?

19 A. No. I remember talking about it with
20 others, but I never saw it, of course. I can say
21 with confidence that that was one of his

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1 responsibilities.

2 Q. Did he fire any verifiers?

3 A. I just don't know that.

4 Q. Did he fire telemarketers?

5 A. Yes.

6 Q. Was Mr. Brzycki working for Buzz or
7 Business Options when you joined on?

8 A. Yes.

9 Q. What was his position then?

10 A. His actual title was corporate
11 affairs.

12 Q. Did you have any opportunity to work
13 with him when you joined on as VPA?

14 A. Very little.

15 Q. What were those opportunities?

16 A. Well, of course I was replacing him.
17 So that meant -- first of all -- that there was a
18 little bit of tension. It also meant that he had
19 the experience I needed, so I tried to gleam from
20 him what I could learn as pertains to the
21 position. And to be quite frank, I did not find

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1 that to be productive so I didn't -- I didn't
2 apprentice under him, if you would, where that
3 might have otherwise been productive.

4 Q. I have one more line of questioning.

5 MR. HAWA: That means ten.

6 MR. HARKRADER: Just one more line of
7 questions, ten questions.

8 MR. HAWA: Go ahead.

9 MR. HARKRADER: And then you would
10 double that.

11 BY MR. HARKRADER:

12 Q. Would you refer to the November 1st
13 letter from the FCC, question 11 specifically?

14 A. Okay. I'm here. Sure.

15 Q. And the response that you gave to
16 question 11?

17 A. Sure.

18 Q. In your December 4th letter?

19 A. The question I bothered to answer.

20 Q. Question 11 calls for the name and
21 telephone phone number of the telemarketer. Did

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1 you include that in your response?

2 A. I did not. I did not. And I think I
3 assumed that it would be provided by others
4 because to be honest with you, those are under X
5 files which I didn't have access to. So I just
6 trusted that those X files would be called and
7 the proper date written in. I don't want to
8 misrepresent it. I could have probably requested
9 to get into the X files. I just, I think,
10 assumed others would take responsibility for
11 that.

12 Q. Well, you included the name, so you
13 did comply with that.

14 A. Right.

15 Q. You just didn't include the address
16 and the phone number?

17 A. Right. And that is all in the X files
18 which is buried and locked up and which I didn't
19 have a key to at the time. Only corporate
20 affairs and one individual in treasury had that
21 access. And I kind of thought they would take

1 care of it.

2 Q. Did you follow up to see if anyone
3 did?

4 A. I did not.

5 Q. You included roughly the date of
6 occurrence as requested by question 11, but you
7 did not include the customer name or telephone
8 number?

9 A. Correct.

10 Q. Or the nature of the practice?

11 A. Correct.

12 Q. Okay.

13 A. Well, yeah, I guess I did not. That's
14 correct.

15 Q. Was this the only such letter or the
16 only such request that you received from Shannon
17 Dennie? Was this the only time you received a
18 request from Ms. Dennie or anybody else to
19 respond to the FCC?

20 A. I sure remember no other.

21 Q. Did you receive any similar letters or

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1 requests from anyone at Business Options or Buzz
2 to respond to state inquiries?

3 A. I have no recollection of any such
4 request.

5 Q. Do you remember how much time you took
6 to respond to this letter from Ms. Dennie?

7 A. Clearly less than I should have, by
8 omission of the one. I suppose the time it took
9 to recall. I think I recall a good few minutes.
10 Probably I needed a moment to really take a look
11 at each point. I don't think it just rolled off
12 the tongue. I had no one who I could really
13 consult because at the time, none of the people
14 who worked with me were even in the company. So
15 I couldn't do that. Otherwise, I would have
16 certainly checked with my director of personnel.

17 Q. When Ms. Dennie gave you the request,
18 in whatever format she gave it to you, how soon
19 after that did you write your responses and get
20 it back to her?

21 A. I'm not certain, but I'm betting I

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1 delayed her longer than she might have wanted. I
2 probably got a little behind. I might have
3 delayed it a few days, maybe a little longer. I
4 was always behind.

5 Q. Given that the FCC letter is dated
6 November 1st and your letter is dated December
7 4 --

8 A. Yes. Right. I'm going to guess she
9 had to bother me once to get to it. Again, not a
10 reference to my lack of willingness or my
11 appreciation for the need to do it, it was just
12 clearly a product of my schedule.

13 MR. HARKRADER: I have no further
14 questions at this time. I believe Mr. Hawa has
15 some questions.

16 EXAMINATION

17 BY MR. HAWA:

18 Q. Good afternoon, Mr. Chill. I just
19 have a couple of questions and after I ask them,
20 my friend here will probably follow-up with
21 questions of his own in response.

1 A lot of the questions you've got
2 today are about disciplinary actions taken
3 against telemarketers. As you may or may not
4 know -- I don't know if this is directly within
5 your realm of responsibility -- I realize I ask
6 extremely long-winded questions, so if you need
7 me to go back, feel free to ask me to do so. My
8 questions are roughly about seven to eight times
9 longer than the answers.

10 Customers have filed complaints and
11 among the things that they've alleged is that
12 they were led to believe that Business Options
13 telemarketers were calling on behalf of some
14 other company. And I know from my own
15 perspective, what does it mean to be led to
16 believe? Did they say it or didn't they say it.
17 I didn't have appreciation for the realities of
18 the telemarketing world and I think it's safe to
19 say that neither does the FCC. And the drafter
20 of these questions clearly did not, because the
21 questions, based on what I'm hearing and the

1 knowledge I have now, clearly don't have an
2 appreciation for the realities of the
3 telemarketing world.

4 MR. HARKRADER: Are you testifying?

5 MR. HAWA: I am not.

6 MR. HARKRADER: Do you have a
7 question?

8 BY MR. HAWA:

9 Q. My question is -- I have arranged to
10 spend a morning listening to telemarketers on the
11 phone. I just wanted to get your thoughts on
12 this issue.

13 First question: The first thing the
14 telemarketer said was, I am calling on behalf of
15 Business Options. We're a long distance
16 telephone company. And the person responded,
17 Bell South? No, Business Options. They said,
18 You mean you're calling on behalf of Bell South?
19 This back and forth went on.

20 So here's the question: Are customers
21 typically confused -- or not typically -- is it

1 common for customers to be confused about the
2 nature of who's calling when the telemarketer
3 calls? Is it common for them to be confused even
4 if you have expressly said, I'm calling on behalf
5 of Business Options, about who the company really
6 is?

7 A. I don't really find it to be common,
8 but I did find that it occurred as you described.

9 Q. So in terms of these telemarketers, a
10 telemarketer when they came across a customer who
11 was confused in that manner, could have said one
12 time, I'm calling on behalf of Business Options,
13 a long distance telephone company. And the
14 customer may not have appreciated that fact. And
15 a telemarketer -- especially a savvy one -- could
16 realize that they fulfilled their duty to
17 identify themselves and kind of never really
18 clarified it. Was that a common practice or was
19 it an uncommon practice?

20 A. Well, you ask a very germane question,
21 and it's not an easy answer. And it's part of

1 the challenge of answering some of these
2 questions as I tried to represent -- I can't tell
3 you what was wrong as per the list here on the
4 one example I cited, just that it was wrong.

5 What you stated is exactly the trick,
6 if you will. Has a telemarketer properly
7 represented themselves? At what point does one
8 properly represent themselves? If duplication is
9 not there on the part of the customer, could you
10 argue on behalf of their correct representation?
11 I would tend to say no.

12 If they have not achieved
13 understanding in the customer, then they have
14 failed. And even though they have said it and,
15 as you say, even repeated it twice, three times,
16 they repeat it. So I would largely put the onus
17 on them to accomplish that understanding.

18 Q. So then going to your response here,
19 I'm looking at your response number -- let's
20 start with question 7 of the FCC letter?

21 A. Sure.

1 Q. Question 7 states, and you've already
2 read it into the record so I'll paraphrase it,
3 has BOI found that telemarketing employees told
4 customers that they were representing the
5 customer's telephone company. Likewise, question
6 8, has BOI or its agents found -- were
7 telemarketing employees saying they were calling
8 on behalf of AT&T? When you read those questions
9 and you were responding to them, you were reading
10 those questions that said has there been an
11 affirmative misrepresentation?

12 A. That's correct.

13 Q. Now you stated that you don't have
14 quotas in terms of sales numbers, but is it fair
15 to say that people have a sense of how many sales
16 a good telemarketer or a successful telemarketer
17 is getting versus how many sales a not so
18 successful telemarketer is getting just by being
19 in existence on the floor?

20 A. Each sales rep had their graphs posted
21 that monitored their success so that we could